

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONNA MARIE KOZAK and,
RANDALL DAVID DUE,

Defendants.

8:12CR344

ORDER

This matter is before the court on the motions for an extension of time by defendant Donna Marie Kozak (Kozak) (Filing No. 212) and defendant Randall David Due (Due) (Filing No. 207). Kozak seeks an additional sixty days and Due seeks an additional thirty days. The government opposes Kozak's request (Filing No. 215). On October 28, 2013, Kozak filed a motion to sever co-accused, a motion to sever counts, and a motion to dismiss. Upon consideration, the motion will be granted to the extent both defendants shall have to on or before November 29, 2013, in which to file any additional motions.

IT IS ORDERED:

Defendants Kozak's and Due's motions for an extension of time (Filing Nos. 212 and 207) are granted to the extent both defendants shall have to November 29, 2013, to file an additional pretrial motions. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., **the time between October 28, 2013, and November 29, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants require additional time to adequately prepare the case, taking into consideration due diligence of the parties, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 28th day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge